

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION


DARREN E. WALKER, #1132401	§	
	§	
V.	§	CIVIL ACTION NO. G-06-541
	§	
NATHANIEL QUARTERMAN, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division	§	

ORDER

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on August 11, 2006, which recommends that the above-styled cause be dismissed for failure to state a claim upon which federal habeas relief is available. The Magistrate Judge recommended dismissal based on a specific notation in Petitioner's complaint wherein he checked that he is not eligible for mandatory release. In his objections to the Report and Recommendation, however, Petitioner clarified the offense for which he is imprisoned and stated that he is, in fact, eligible for mandatory release.

Accordingly, having given this matter *de novo* review as required by 28 U.S.C. § 636 (b)(1)(C), this Court **DECLINES TO ACCEPT** the Report and Recommendation. This matter is referred back to the Magistrate Judge for further consideration.

DONE at Galveston, Texas, this the 27th day of September, 2006.



Samuel B. Kent
United States District Judge